THE HON'BLE SRI JUSTICE BILAL NAZKI

WRIT PETITION NOs.13064 and 15226 of 1996

Date: 12-07-2006

W.P.No.13064 of 1996

Between:

Dr.P.Sambasiva Rao …Petitioner

And

M/s Hindustan Shipyard Ltd …Respondent

THE HON'BLE SRI JUSTICE BILAL NAZKI

WRIT PETITION NOs.13064 and 15226 of 1996

COMMON ORDER:

Both the writ petitions raise similar questions of law and fact, therefore, they are being disposed of by this common order.

These writ petitions have been filed challenging the proceedings of the Selection Committee of Hindustan Shipyard Limited, dated 25-04-1996, rejecting the claim of the petitioners for appointment as Medical Officers on regular basis. These two cases have a long history and the litigation has started in the year 1981. The writ petitioners were initially appointed as honorary medical officers by the respondent-Hindustan Shipyard Limited, Visakhapatnam, on daily wage payment basis. The petitioner in W.P.No.13064 of 1996, Dr.P.Sambasiva Rao, was appointed for the first time on 26-10-1976 and the petitioner in W.P.No.15226 of 1996, Dr.K.Babu Prasada Rao, was initially appointed on 24-05-1988. For other details, the facts mentioned in ***W.P.No.13064 of 1996*** shall be referred to.

The petitioner in this case filed a writ petition being W.P.No.2058 of 1981 seeking regularization of his services, but in June 1985 his services were terminated with a retrospective effect i.e. from 01-03-1985. On 26-08-1985 he filed another writ petition in W.P.No.9844 of 1985 challenging the termination. The High Court by order dated 28-02-1986 quashed the termination orders and ordered regularization. The order was not implemented. A contempt being C.C.No.558 of 1987 was filed, as a result of which, the judgment of the Single Judge was given effect to by the respondent by

order dated 12-12-1987. But it was made clear by the respondent in its order that the order of appointment was without prejudice to the rights of the respondent in the appeals, which they had filed against the judgment of the learned Single Judge. The respondent failed in the writ appeals also, but they took the matter to the Supreme Court and the Supreme Court decided the matter on 30-01-1996 and reversed the judgment of the High Court and held that the writ petitioners had no right to be regularized. However, the Supreme Court ordered

> *"The appellant-corporation is directed to constitute a Selection Committee in accordance with the relevant Rules for considering the matter of regularization of the respondent-medical officers on the post of medical officer. The said Selection Committee shall consider the claim of the respondent-medical officers for such regularization by applying the criteria laid down for appointment of medical officers on regular basis and it shall also take into account the record of performance of the respondent-medical officers while they were working on ad hoc basis with the appellant-corporation. In case, the respondent-medical officers are found to have crossed the age bar for regular appointment a relaxation should be made in that regard to enable them to be considered for regularization. This process of selection by the Selection Committee for the purpose of regularization of the respondent-medical officers shall be undertaken and completed within a period of three months. No order as to costs."*

Thereafter the respondent constituted a Selection Committee and the Selection Committee rejected the claim of the petitioners and informed them by letter dated 25-04-1996, *"with reference to the interview you had with us on 23-04-1996, we regret to inform you that the Selection Committee did not find you suitable for appointment as Medical Officer on regular basis."*

I have heard learned counsel for the parties and gone through the record.

There are no grounds mentioned in the writ petitions challenging the order of the Selection Committee. It is only stated that only two questions were put to the candidates by the Selection Committee, which has been denied in the counter-affidavit filed by the respondent. The respondent appointed a Selection Committee headed by Chairman and it also comprised experts. In W.P.No.13064 of 1996, in one of the paragraphs, certain *mala fides* have been attributed to one Mr. Dilip Kumar Varma, who was the C.M.O of Hindustan Shipyard Limited, but said Dilip Kumar Varma was not even made a party-respondent in this writ petition. In W.P. No.15226 of 1996 there are not even the suggestions of any malice. It is well settled that this Court cannot sit over the judgment of a Selection Committee with regard to the suitability of the candidates. It is only the method by which the selection was made can be subject matter of judicial scrutiny. Neither on the method of selection nor on the constitution of the committee any grievance has been put forth by the petitioners.

In this view of the matter, I do not find merit in these writ petitions, which are accordingly dismissed. No order as to costs.

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(Bilal Nazki,J)

Dated 12th July, 2006
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